

STATE OF SOUTH CAROLINA

(Caption of Case)

Example: Application for a Class C Charter Certificate from
John Doe dba Doe's Limo

**Application of Share Care Transport, Incorporated
for a Class C Certificate of Public Convenience and
Necessity For Operation of a Motor Vehicle Carrier**

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

TRANSPORTATION COVER SHEET

DOCKET

NUMBER: 2010 - 27 - T

If this is your first time filing an application with the PSC, you will not have a Docket Number. The Commission will assign one to you. If you have filed with the Commission before, a Docket Number was assigned and should be entered above.

(Please type or print)

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

NATURE OF ACTION (Check all that apply)

☐ Application - Class C Taxi

☐ Request to Amend Scope of Authority

☐ Application - Class C Charter

☐ Request to Amend Tariff (rate Increase, etc.)

☐ Application - Class C Charter Bus

☐ Request to Amend Passenger Limit

☒ Application - Class C Non-Emergency

☐ Request

☐ Application - Class E Household Goods

☐ Exhibit

☐ Application - Class E Hazardous Waste

☐ Late-Filed Exhibit

☐ Application

☐ Letter

☐ Request for Extension to Comply with Order

☐ Proposed Order

☐ Request for Order Granting Authority to Obtain a Certificate
of Public Convenience and Necessity to be Rescinded

☐ Publisher's Affidavit

☐ Request for Cancellation of Certificate

☐ Reservation Letter

☐ Request for Suspension

☐ Response

☐ Request for Reinstatement

☒ Return to Petition

☐ Request for Name Change on Certificate

☐ Other: _____

If you have any questions about this form, please contact the PUBLIC SERVICE COMMISSION at 803-896-5100.

Print Form

Reset Form

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2010-27-T

IN RE:

Application of Share Care Transport,
Incorporated for a Class C Certificate of
Public Convenience and Necessity For
Operation of a Motor Vehicle Carrier

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**OBJECTION TO PEE DEE REGIONAL
TRANSPORTATION AUTHORITY'S
PETITION TO INTERVENE**

Share Care Transport, Incorporated ("Applicant") hereby opposes the petition to intervene filed on February 5, 2010 by Carrie A. Fox, Esquire, on behalf of Pee Dee Regional Transportation Authority ("PDRTA") in this proceeding.

FACTS

1. Applicant initially filed this application for a Class C Non Emergency Charter Certificate on or about January 11, 2010.
2. The Public Service Commission (the "Commission") assigned Docket No. 2010-27-T.
3. Applicant filed its Amended Application on January 21, 2010, downsizing its original request from statewide authority to "points and places between Charleston, Georgetown, Williamsburg, Berkeley, Marion and Dillon counties."
4. On February 5, 2010, PDRTA filed a petition to intervene in this proceeding.

**PDRTA'S PARTICIPATION IS INCONSISTENT WITH ITS UNREGULATED AND
PUBLIC STATUS**

5. PDRTA is a Regional Transportation Authority ("RTA"), as defined in S.C. Code Ann. § 58-25-20, that operates Non Emergency Medical Transportation and other regional transportation services.

6. As such, PDRTA has not been certified by this Commission in connection with its operations, and the Commission has no authority to regulate its operations.

7. PDRTA seeks the benefit of regulation (the ability to oppose competing providers) without submitting itself to the corresponding obligations of regulatory oversight. Accordingly, the Public Service Commission should deny PDRTA's petition to intervene.

8. Moreover, upon information and belief, PDRTA receives Federal assistance under the Federal Transit Laws, as governed by 49 U.S.C.A. § 5323 (the "Federal Assistance Statute") and 49 C.F.R. § 604 (the "Unauthorized Competition Regulation") protecting "private charter operators from unauthorized competition from recipients of Federal financial assistance under the Federal Transit Laws." 49 C.F.R. § 604.1.

9. The Unauthorized Competition Regulation prevents recipients of federal aid ("Recipients") from providing charter service where a registered charter provider responds to notice from a Recipient. 49 C.F.R. § 604.9.

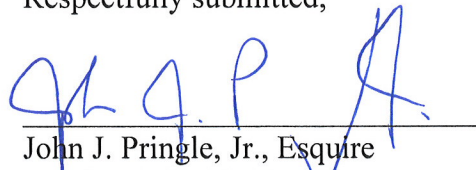
10. Thus, the Unauthorized Competition Regulation prevents or limits PDRTA's ability to compete with for-profit, private entities.

11. Accordingly, PDRTA's petition to intervene and corresponding arguments against issuance of a Class C certification to the Applicant on the basis of the public convenience and

necessity have no validity whatsoever in view of the Unauthorized Competition Regulation specifically, and more generally the fact that PDRTA is a public entity that is not regulated by this Commission.

12. For these reasons Applicant requests that the Commission deny PDRTA's petition to intervene.

Respectfully submitted,



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Attorneys for Applicant

Columbia, South Carolina
February 16, 2010

THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2010-27-T

IN RE:

Application of Share Care Transport,
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) **CERTIFICATE OF SERVICE**
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)

This is to certify that I have caused to be served this day, one (1) copy of the **Objection to Pee Dee Regional Transportation Authority's Petition to Intervene** by placing a copy of same in the care and custody of the United States Postal Service (unless otherwise specified), with proper first-class postage affixed hereto and addressed as follows:

VIA ELECTRONIC MAIL SERVICE

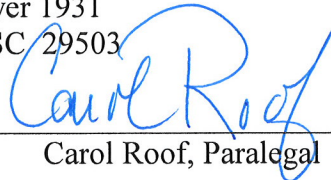
Jeffrey M. Nelson, Esq.
Office of Regulatory Staff
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VIA ELECTRONIC MAIL SERVICE

Mr. Lawrence Hisko
L.H. Transportation Services, Incorporated
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368-A Jesse Street
Myrtle Beach SC 29579

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Carol Roof, Paralegal

February 16, 2010
Columbia, South Carolina